United Nations A/RES/58/235

General Assembly

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25 February 2004

Fifty-eighth session
Agenda item 39 (*b*)

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/58/L.56 and Add.1)*]

58/235. Implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa

The General Assembly,

Recalling the report of the Open-ended Ad Hoc Working Group on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa,[1] and resolutions 53/92 of 7 December 1998, 54/234 of 22 December 1999, 55/217 of 21 December 2000, 55/281 of 1 August 2001, 56/37 of 4 December 2001, 57/296 of 20 December 2002 and 57/337 of 3 July 2003,

Recalling also, in this context, Security Council resolutions 1325 (2000) of 31 October 2000 on women and peace and security, and 1366 (2001) of 30 August 2001 on the prevention of armed conflicts,

Having considered the updated matrix for 2002 contained in the report of the Secretary-General[2] on the implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa,[3]

Recalling its resolution 57/7 of 4 November 2002 on the final review and appraisal of the United Nations New Agenda for the Development of Africa in the 1990s and support for the New Partnership for Africa's Development,

Noting that prevention of conflict must remain the fundamental focus of the work of the United Nations and that peace, security and development, in particular within post-conflict contexts, are inextricably linked,

Noting also that conflict prevention and the consolidation of peace require coordinated, sustained and integrated efforts from the United Nations system and Member States,

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[1] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 45* (A/56/45).

[2] See A/58/352.

[3] A/52/871-S/1998/318.

Recalling section VII of the United Nations Millennium Declaration,[4] which highlights the special needs of Africa,

Reaffirming that the implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa must remain a priority on the agenda of the United Nations system and of the Member States,

Underscoring the fact that the responsibility for peace and security in Africa, including the capacity to address the root causes of conflict and to resolve conflicts in a peaceful manner, lies primarily with African countries themselves and with regional and subregional structures,

Underscoring also the need to strengthen further the political will to ensure the required political, financial and technical support critical for the effective implementation of the recommendations in all of the areas included in the report of the Secretary-General,

Reaffirming that the General Assembly must continue to play the primary role in monitoring the implementation of the recommendations contained in the report of the Secretary-General and assessing the progress made,[5]

1. *Takes note with appreciation* of the updated matrix for 2002 contained in the report of the Secretary-General[2] on the implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa,[3] and the further advances in a wide range of areas made since the last progress report;

2. *Notes with appreciation* that many strides have been made in the prevention and settlement of disputes and that there have been sustained efforts by African regional and subregional initiatives of late to mediate and resolve conflicts;

3. *Requests* Member States to ensure that such initiatives continue to be taken in close consultation and coordination with the United Nations in order to ensure that the United Nations can have a clear role, as appropriate, in the subsequent implementation of such mediated settlements;

4. *Welcomes* the efforts undertaken by African countries towards the establishment of a Peace and Security Council within the African Union, and encourages the States members of the African Union that have not yet ratified the protocol relating to the establishment of the Council to do so;

5. *Encourages* African countries to continue their efforts to develop African capacity to undertake peace support operations at the regional and subregional levels and the United Nations and donor countries to establish suitable mechanisms to assist African States in developing their capacity to undertake peace support operations in a coherent and coordinated manner;

6. *Welcomes* the European Union decision to establish a peace facility to support the establishment of the African Peace and Security Mechanism and the implementation of peace initiatives undertaken by the African Union;

7. *Also welcomes* the establishment of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa of the Security Council and of the Ad

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[4] See resolution 55/2.

[5] See *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 45* (A/56/45), para. 67.

Hoc Advisory Group on African Countries Emerging from Conflict, within the framework of the Economic and Social Council;

8. *Notes with concern* that progress in the implementation of the recommendations in the report of the Secretary-General remains slow and uneven;

9. *Notes* that conflict prevention and peace consolidation efforts, in particular efforts to eradicate poverty, promote respect for human rights, strengthen rule-of-law institutions, re-establish transparent and accountable public administration, encourage democratic reform and demobilize, disarm and reintegrate ex-combatants should be supported by Member States and the United Nations system through enhanced coordination, coherence and sustained financial and political support;

10. *Decides* to continue to monitor the implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa;[3]

11. *Welcomes* the designation of the Office of the Special Adviser on Africa as a focal point within the Secretariat which should continue to monitor, through the already established interdepartmental task force on Africa affairs, the implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa, with special regard being given to preventive action and post-conflict peace consolidation, and make recommendations as to how the implementation of those recommendations could be further enhanced;

12. *Calls upon* Member States to provide financial and technical assistance in a coordinated and sustained way in order to support activities to eradicate poverty, promote respect for human rights, strengthen rule of law institutions and promote transparent and accountable public administration;

13. *Encourages* the Secretary-General to explore and recommend suitable arrangements and mechanisms through which Member States could more effectively address the multidisciplinary causes of conflict, including their regional dimensions, and strengthen the coordinated and sustained manner in which they could provide financial and technical assistance in preventive action as well as post-conflict peace-building;

14. *Requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the implementation of the present resolution, taking into account recent developments related to the cooperation of Africa with the international community on these matters.

78th plenary meeting
23 December 2003

United Nations A/RES/58/236

General Assembly

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Fifty-eighth session
Agenda item 47

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/58/L.54)*]

58/236. Follow-up to the outcome of the twenty-sixth special session: implementation of the Declaration of Commitment on HIV/AIDS

The General Assembly,

Recalling the goals and targets set forth in the Declaration of Commitment on HIV/AIDS[1] adopted by the General Assembly at its twenty-sixth special session, in 2001, and the HIV/AIDS-related goals contained in the United Nations Millennium Declaration of 2000,[2]

Reaffirming the commitment made by all States at the twenty-sixth special session of the General Assembly,

Noting with profound concern that 42 million people worldwide are living with HIV/AIDS, that the HIV/AIDS pandemic claimed 3.1 million lives in 2002 and to date has orphaned 14 million children,

Noting with grave concern that the majority of new HIV infections occur among young people and that women and girls are disproportionately affected by the pandemic,

Noting that the unequal legal and social status of women heightens their vulnerability to HIV,

Expressing serious concern about the continued global spread of HIV/AIDS, which exacerbates poverty and poses a major threat to economic and social development and to food security in heavily affected regions, while recognizing that poverty, underdevelopment and illiteracy are among the principal contributing factors to the spread of the disease,

Noting that the epidemic affects every region and, while sub-Saharan Africa remains worst affected, serious epidemics are present or emerging in the Caribbean, Eastern Europe and Asia and the Pacific,

[1] Resolution S-26/2, annex.

[2] See resolution 55/2.

Acknowledging that prevention, care, support and treatment for those infected and affected by HIV/AIDS are mutually reinforcing elements of an effective response and must be integrated in a comprehensive approach to combat the epidemic,

Also acknowledging the importance of maintaining an emphasis on prevention measures in countries with low prevalence rates,

Recognizing that, while the primary responsibility for responding to HIV/AIDS rests with Governments, the efforts and engagement of all sectors of society are essential to generating an effective response,

Reaffirming that the full realization of human rights and fundamental freedoms for all is an essential element in a global response to the HIV/AIDS pandemic, and reaffirming also the importance of the elimination of all forms of discrimination against people living with or at risk of HIV/AIDS, including those most vulnerable,

Recognizing that populations destabilized by armed conflict, humanitarian emergencies and natural disasters, including refugees, internally displaced persons and, in particular, women and children, are at increased risk of exposure to HIV infection,

Encouraged that civil society, especially organizations representing people living with HIV/AIDS, women, young persons, orphans, faith-based organizations and the private sector, is increasingly involved in national responses to HIV/AIDS, while noting the need for further engagement of these stakeholders at all levels,

Acknowledging the efforts of international humanitarian organizations, including the International Federation of Red Cross and Red Crescent Societies, in combating the epidemic in the most affected areas of the world,

Noting that strengthened political commitment, including at the highest level, as witnessed, inter alia, at the high-level General Assembly meeting on HIV/AIDS, held on 22 September 2003, demonstrates the resolve of Governments and the international community to intensify implementation and cooperation in order to meet the goals and targets contained in the Declaration of Commitment,

Noting with appreciation the support for national responses provided by the United Nations system, especially the secretariat of the Joint United Nations Programme on HIV/AIDS and Co-sponsors, inter alia, for effective country-led mechanisms, including the mobilization of financial resources, the facilitation and provision of technical assistance and support to the Global Fund to fight AIDS, Tuberculosis and Malaria and applicant countries, at every level of the grant-making process,

Also noting with appreciation the new strategic direction taken by the Joint Programme after the five-year evaluation of the Programme by its Programme Coordinating Board, encompassing, in particular, a greater focus on national-level processes, continued global leadership and advocacy, and a focus on the gender implications of HIV/AIDS,

Encouraged that the United Nations system has made progress towards integrating the consideration of HIV/AIDS in its activities, including addressing HIV/AIDS in the United Nations workplace, the appointment of HIV/AIDS focal points in peacekeeping operations and the work on guidelines for HIV/AIDS in emergency settings,

Recognizing the emergence of the World Bank Multi-Country HIV/AIDS Programme and the Global Fund to fight AIDS, Tuberculosis and Malaria and the contributions of private foundations as important sources of new and additional funding,

Noting with concern that, although many Member States have met the 2003 targets contained in the Declaration of Commitment, considerable gaps remain,

Also noting with concern that, at the current rate of implementation and fulfilment of commitments, many countries are unlikely to meet the targets for 2005,

Recognizing that many developing countries may not have the financial or human resources capacity to mount an effective response to the HIV/AIDS epidemic, and in this context underlining the importance of international cooperation,

Noting that, despite improvement, current global resources available for HIV/AIDS are less than half of the 10 billion United States dollars considered necessary for an effective response in 2005 alone and that substantial new funding will be required in order to meet the global resource targets,

Also noting that intensified implementation will require partnership and enhanced cooperation at all levels, as well as enhanced support for human and institutional capacity development and considerably increased financial resources,

Further noting that implementation has to be intensified through partnerships at the national, regional and international levels in order to offer infected and affected people and communities in developing countries and countries with economies in transition medicines and related technology which are affordable, easy to use and readily available,

Encouraged that an increasing number of companies in the private sector are offering prevention, care and treatment services to employees and their families, while noting the need for continued efforts in this regard,

Recalling Commission on Human Rights resolution 2003/47 of 23 April 2003,[3]

1. *Welcomes* the report of the Secretary-General on progress towards implementation of the Declaration of Commitment on HIV/AIDS;[4]

2. *Reaffirms its commitment* to the goals and targets contained in the Declaration of Commitment on HIV/AIDS[1] and the United Nations Millennium Declaration[2] and to their implementation;

3. *Stresses with deep concern* that the HIV/AIDS emergency, with its devastating scale and impact, requires urgent actions in all fields and at all levels;

4. *Urges* relevant United Nations organizations, as well as other relevant international organizations, to further support national efforts for implementation of the Declaration of Commitment and address the issue of the cost, availability and affordability of drugs and related technology;

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[3] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[4] A/58/184.

5. *Urges* Member States to intensify national efforts and international cooperation in the implementation of the Declaration of Commitment in order to meet the goals and targets contained therein based on national plans, where they exist, and, in particular, where gaps have been identified in the report of the Secretary-General by, inter alia:

(*a*) Providing stronger and more visible leadership in response to the epidemic;

(*b*) Creating an environment that encourages the engagement of and partnerships with all stakeholders, including civil society, people living with HIV/AIDS, marginalized and vulnerable groups, cultural and faith-based organizations, non-governmental organizations, traditional health practitioners, the private sector, international institutions and the media;

(*c*) Strengthening policies and programmes for combating HIV/AIDS, including those relating to the protection and promotion of all human rights and fundamental freedoms for all, including eliminating stigmas and discrimination against people living with and/or affected by HIV/AIDS, ensuring gender equality, assisting orphans and children and expanding access to treatment, care and support;

(*d*) Building and scaling up a comprehensive response to achieve broad multisectoral coverage for prevention, care, treatment and support and recognizing the need to seriously address impact mitigation issues, in particular in the worst affected countries, and specifically within this context:

(i) Intensifying prevention measures, especially those directed at vulnerable groups, in particular women and young persons, bearing in mind that prevention is the mainstay of the national, regional and international response;

(ii) Expanding access to treatment, in a progressive and sustainable manner, including the prevention and treatment of opportunistic diseases and the effective use of antiretroviral medication;

(iii) Improving the provision of care and support to those infected and affected by HIV/AIDS, including orphans;

(iv) Mitigating the social and economic impact of the epidemic;

(v) Promoting access to low-cost and effective drugs and related pharmaceutical products;

(vi) Strengthening health-care systems and integrating HIV/AIDS programmes into current health services;

(vii) Strengthening HIV/AIDS surveillance and systems for evaluating programme effectiveness;

(*e*) Strengthening pharmaceutical policies and practices, including those applicable to generic drugs and intellectual property regimes, in order to further promote innovation and the development of domestic industries consistent with international law;

(*f*) Intensifying training and research initiatives or programmes to strengthen the capacities of Governments to manage the epidemic;

(*g*) Sharing experiences and exchanging information on key areas of intervention, such as prevention, the provision of care and support for HIV/AIDS-infected persons and the treatment of HIV/AIDS-related conditions;

(*h*) Addressing the human resource crisis affecting the effective implementation of comprehensive national HIV/AIDS programmes, including supporting the development of monitoring and evaluation capacities and working at the national and international levels to generate flexible solutions;

(*i*) Mobilizing financial resources and providing the support necessary to ensure that they are targeted effectively and absorbed quickly and deliver equitable and sustainable coverage of services, particularly to those most in need;

6. *Welcomes with appreciation* the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health, adopted on 14 November 2001 at the Fourth Ministerial Conference of the World Trade Organization, held in Doha,[5] and the decision dated 30 August 2003 of the General Council of the World Trade Organization on the implementation of paragraph 6 of the Declaration;[6]

7. *Welcomes* the commitment by the World Health Organization and the Joint United Nations Programme on HIV/AIDS to work with the international community to support developing countries in achieving the target of providing antiretroviral medicines to 3 million people infected with HIV/AIDS by the end of 2005, the "3 by 5" target, recalling Commission on Human Rights resolution 2003/29 of 22 April 2003 entitled "Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria";[3]

8. *Urges* the mobilization of additional resources from national, bilateral, multilateral and private sources, including but not limited to additional support to the Global Fund to fight AIDS, Tuberculosis and Malaria, in order to address the growing need;

9. *Also urges* the provision of additional financial resources to the United Nations system, especially the Joint Programme's secretariat and Co-sponsors, in order that they may intensify their support for national responses to HIV/AIDS;

10. *Emphasizes* that, with the increasing number of HIV/AIDS initiatives at the global, regional and national levels, there is a need for close coordination at all levels, including under government leadership at the national level to ensure a harmonized approach and to increase the effectiveness of the response;

11. *Encourages* the private sector to become fully engaged in the fight against HIV/AIDS, including by adopting relevant workplace non-discrimination policies;

12. *Encourages* the private sector and the pharmaceutical industry to contribute to the fight against AIDS by, inter alia, continuing to provide key AIDS pharmaceuticals that meet the standards of the World Health Organization, at the lowest possible prices;

13. *Recognizes* the importance of young men and women having access to information, education, including peer education and youth-specific HIV education, and services necessary to develop the life skills required to reduce their vulnerability to HIV infection, in full partnership with young persons, parents, families, educators and health-care providers;

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[5] WT/MIN(01)/DEC/2. Available from http://docsonline.wto.org.

[6] WT/L/540. Available from http://docsonline.wto.org.

14. *Reiterates* the need to respond urgently to the dire situation in sub-Saharan Africa and in particular the crisis conditions in the southern African region, in order to minimize the loss of institutional capacity in key national sectors and mitigate the threat of accelerating the cycle of poverty, food insecurity, instability and heightened vulnerability to HIV/AIDS;

15. *Stresses* the need for intensified action in all regions, especially the Caribbean, Eastern Europe and Asia and the Pacific;

16. *Decides* to hold a high-level meeting in 2005 to review the progress achieved in realizing the commitments set out in the Declaration of Commitment, and decides also that the scheduling, format, participation, including civil society participation, and other organizational details will be further considered during the fifty-eighth session of the General Assembly;

17. *Requests* the Secretary-General, in this regard, to submit a comprehensive and analytical report on progress achieved in realizing the commitments set out in the Declaration of Commitment, in particular those set out for 2005, with a view to identifying problems and constraints and making recommendations on action needed to make further progress;

18. *Decides* to include in the provisional agenda of its fifty-ninth session, the item entitled "Follow up to the outcome of the twenty-sixth special session: implementation of the Declaration of Commitment on HIV/AIDS".

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23 December 2003

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Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/58/L.53 and Add.1)*]

58/237. 2001–2010: Decade to Roll Back Malaria in Developing Countries, Particularly in Africa

The General Assembly,

Recalling its resolutions 49/135 of 19 December 1994, 50/128 of 20 December 1995, 55/284 of 7 September 2001 and 57/294 of 20 December 2002 concerning the struggle against malaria in developing countries, particularly in Africa,

Bearing in mind the relevant resolutions of the Economic and Social Council relating to the struggle against malaria and diarrhoeal diseases, in particular resolution 1998/36 of 30 July 1998,

Taking note of the declarations and decisions on health issues adopted by the Organization of African Unity, in particular the declaration and plan of action on the "Roll Back Malaria" initiative adopted at the Extraordinary Summit of Heads of State and Government of the Organization of African Unity, held in Abuja on 24 and 25 April 2000,[1] as well as decision AHG/Dec.155 (XXXVI) concerning the implementation of that declaration and plan of action, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-sixth ordinary session, held in Lomé from 10 to 12 July 2000,[2]

Also taking note of the Maputo Declaration on Malaria, HIV/AIDS, Tuberculosis and Other Related Infectious Diseases, adopted by the Assembly of the African Union at its second ordinary session, held in Maputo from 10 to 12 July 2003,[3]

Recognizing the linkages in efforts being made to reach the targets set in the Abuja Summit as necessary and important for the attainment of the "Roll Back Malaria" goal and the targets of the United Nations Millennium Declaration[4] by 2010 and 2015, respectively,

[1] See A/55/240/Add.1

[2] See A/55/286, annex II.

[3] A/58/626, annex I, Assembly/AU/Decl.6 (II).

[4] See resolution 55/2.

Also recognizing the urgent need for scaling up national malaria control programmes if African countries are to meet the intermediate target set by the Abuja Summit for the five-year period of 2000–2005,

Further recognizing that malaria-related ill health and deaths throughout the world can be eliminated with political commitment and commensurate resources if the public is educated and sensitized about malaria and appropriate health services are made available, particularly in countries where the disease is endemic,

Emphasizing the importance of implementing the Millennium Declaration, and welcoming in this connection the commitment of Member States to respond to the specific needs of Africa,

Commending the efforts of the World Health Organization and the United Nations Children's Fund and other partners to fight malaria over the years, including the launching of the Roll Back Malaria Partnership in 1998,

1. *Takes note* of the report of the Secretary-General,[5] and calls for support for the recommendations contained therein;

2. *Calls upon* the international community to continue to support the "Roll Back Malaria" partner organizations, including the World Health Organization and the United Nations Children's Fund, as vital complementary sources of support for the efforts of malaria-endemic countries to combat the disease;

3. *Appeals* to the international community to ensure that the Global Fund to Fight AIDS, Tuberculosis and Malaria receives increased funding to support sound national plans to control malaria in endemic countries to be implemented in a sustained and equitable way that contributes to health system development;

4. *Urges* malaria-endemic countries to increase domestic resource allocation to malaria control;

5. *Encourages* all African countries that have not yet done so to implement the recommendations of the Abuja Summit to reduce or waive taxes and tariffs for nets and other products needed for malaria control, both to reduce the price of nets to consumers and to stimulate free trade in insecticide-treated nets;

6. *Calls upon* the international community to support ways of stimulating the development of manufacturing capacity of insecticide-treated nets in Africa and, in this connection, to encourage and facilitate the transfer of technology needed to make insecticide-treated nets more effective and long-lasting;

7. *Recognizes* the importance of the development of effective vaccines and new medicines to prevent and treat malaria, and the need for further research, including through effective global partnerships such as the various malaria vaccine initiatives and the Medicines for Malaria Venture, in securing their development;

8. *Reiterates* the need for expanded public-private partnerships for malaria control and prevention, and in this context urges petroleum companies operating in Africa to consider providing polymer for the manufacture of mosquito nets at reduced prices as a contribution to rolling back malaria in Africa;

9. *Urges* the pharmaceutical industry to take note of the increasing need for effective combination treatment for malaria, particularly in Africa, and to form

[5] A/58/136 and Corr.1.

additional alliances and partnerships to help to ensure that all people at risk have access to prompt, affordable and quality treatment;

10. *Requests* the Secretary-General, in close collaboration with the World Health Organization, developing countries and regional organizations, including the African Union, to conduct in 2005 an evaluation of the measures taken and progress made towards the achievement of the mid-term targets, the means of implementation provided by the international community in this regard and the overall goals of the Decade, and to report thereon to the General Assembly at its sixtieth session;

11. *Also requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution, under the agenda item entitled "2001–2010: Decade to Roll Back Malaria in Developing Countries, Particularly in Africa".

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Agenda item 26

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/58/L.30/Rev.1 and Add.1)*]

58/238. United Nations Verification Mission in Guatemala

The General Assembly,

Recalling its resolution 57/161 of 16 December 2002, in which it decided to authorize the renewal of the mandate of the United Nations Verification Mission in Guatemala from 1 January to 31 December 2003,

Taking into account the fact that the Government of Guatemala has reaffirmed its commitment to the full implementation of the peace agreements,

Underlining the fact that substantive aspects of the peace agreements have yet to be implemented and that the timetable for implementation and verification established by the Commission to Follow up the Implementation of the Peace Agreements extends through 2004,

Taking into account the request of the Government of Guatemala for an extension of the mandate of the Mission until the end of 2004, in view of the desirability of maintaining the presence of the Mission during the first year of the new Government, which will take office in January 2004,

Taking into account also the fact that civil society organizations in Guatemala and the international community expressed concerns about potential setbacks to implementation of the peace agreements should the Mission depart Guatemala before a new Government had taken office and demonstrated its commitment to the peace process,

Taking note of the fact that on 10 July 2003, under the auspices of the Organization of American States, representatives of the main political parties of Guatemala signed a declaration expressing support for the peace agreements as State accords that should be incorporated into government plans for the peace process,

Taking into account the eighth report of the Secretary-General on the verification of compliance with the peace agreements,[1]

Taking into account also the fourteenth report of the Mission on human rights,[2]

[1] A/58/267.
[2] A/58/566.

Taking into account further the report of the Commission for Historical Clarification,[3]

Stressing the positive role played by the Mission in support of the Guatemala peace process, and emphasizing the need for the Mission to continue to enjoy the full support of all parties concerned,

Having considered the report of the Secretary-General on the work of the Mission[4] and the recommendations contained therein,

1. *Welcomes* the eighth report of the Secretary-General on the verification of compliance with the peace agreements;[1]

2. *Also welcomes* the fourteenth report of the United Nations Verification Mission in Guatemala on human rights;[2]

3. *Calls upon* the Government of Guatemala to maintain its commitment to the full implementation of the peace agreements;

4. *Also calls upon* newly elected public officials to act on the commitments made by representatives of the main political parties in July 2003 to support the peace agreements as State accords that should be incorporated into government plans for the peace process;

5. *Takes note* of the recommendations contained in the report of the Secretary-General on the work of the Mission[4] aimed at ensuring that the Mission responds adequately to the demands of the peace process until 31 December 2004, in view of the many outstanding matters still to be addressed and the need to ensure the commitment of the new Government to the peace agreements;

6. *Notes* that, while in 2003 the Mission verified four broad areas of the peace agreements, in 2004 it will concentrate only on two areas, human rights and demilitarization and the strengthening of civilian power;

7. *Also notes* the results of the meeting of the Consultative Group for Guatemala, held in Guatemala City on 13 and 14 May 2003, at which all participants agreed that the peace agreements should remain Guatemala's essential road map for development;

8. *Further notes* that, while advances were verified in certain areas, such as the passage of legislation against discrimination in its many manifestations, the redeployment of military units and the development of a national reparations programme for the victims of human rights violations committed during the armed conflict, progress in the implementation of the peace agreements in the past year fell short of expectations and was insufficient to inject new momentum into the peace process;

9. *Notes* that the consolidation of the peace-building process remains a significant challenge which will require greater political will, the involvement of all sectors of society and the continued engagement of the international community;

10. *Notes with concern* the climate of intimidation against justice officials, human rights defenders, social activists and journalists;

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[3] A/53/928, annex.

[4] A/58/262.

11. *Takes note* of the agreement reached in March 2003 by the Government of Guatemala and the Human Rights Ombudsman, with the support of civil society, and currently being revised, to create a Commission for the Investigation of Illegal Groups and Clandestine Security Apparatuses;

12. *Welcomes* the agreement signed on 1 December 2003 between the Government of Guatemala and the Office of the United Nations High Commissioner for Human Rights for the establishment of an office of the High Commissioner in Guatemala, with a mandate to monitor the human rights situation in the country and advise the Government on formulating and implementing policies, programmes and measures to promote and protect human rights;

13. *Calls upon* the Government to further reduce military spending and to allocate adequate budgets to those institutions and programmes that are given priority under the peace accords;

14. *Underlines* the importance of implementing fully the Agreement on Identity and Rights of Indigenous Peoples[5] as a key to fighting discrimination and consolidating peace and equality in Guatemala, and highlights the need to implement fully the Agreement on Social and Economic Aspects and Agrarian Situation[6] as a means of addressing the root causes of the armed conflict;

15. *Calls upon* the Government to implement the recommendations of the Commission for Historical Clarification, with a view to promoting national reconciliation, upholding the right to truth and providing redress for the victims of human rights abuses and violence committed during the thirty-six-year conflict;

16. *Invites* the international community, and in particular the specialized agencies, funds and programmes of the United Nations system, to continue to support the consolidation of the peace-building process, with the peace agreements as the framework for their technical and financial assistance programmes and projects, and stresses the continued importance of close cooperation among them in the context of the United Nations Development Assistance Framework for Guatemala;

17. *Urges* the international community to support financially, through existing mechanisms of international cooperation, the strengthening of national capacities to ensure the consolidation of the peace process in Guatemala;

18. *Also urges* the international community to support financially the strengthening of the capacities of the specialized agencies, funds and programmes of the United Nations system, including the future office of the High Commissioner in Guatemala City, as the Mission prepares to intensify its work to ensure specific follow-on by the entities of the United Nations system, as well as by members of the international community, within the framework of a general transition strategy;

19. *Stresses* that, while the Mission has played a key role in promoting the consolidation of peace and the observance of human rights and in verifying compliance with the revised timetable for the implementation of pending commitments under the peace agreements, the long-term success of the peace process depends on the capacities and renewed commitment to the peace agreements of Guatemalan institutions, both of the State and of civil society;

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[5] A/49/882-S/1995/256, annex.

[6] A/50/956, annex.

20. *Requests* the United Nations system in Guatemala to continue to monitor and report annually, utilizing the methodology and indicators developed with the Mission, on the implementation of the Agreement on Social and Economic Aspects and Agrarian Situation as part of the national human development report of the United Nations Development Programme;

21. *Decides* to authorize a final renewal of the mandate of the United Nations Verification Mission in Guatemala from 1 January to 31 December 2004;

22. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at the beginning of its fifty-ninth session, as well as a final report on the work of the Mission before the end of that session, together with the recommendations that he may deem appropriate.

79th plenary meeting
23 December 2003

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Agenda item 26

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/58/L.38 and Add.1)*]

58/239. The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development

The General Assembly,

Recalling its relevant resolutions in which it requests the Secretary-General, the United Nations system and the international community to give the Central American peoples the fullest possible support and assistance for the maintenance and strengthening of peace, democracy and sustainable development, as well as the relevant Security Council resolutions,

Reaffirming all its relevant resolutions in which it stresses the importance of international economic, financial and technical cooperation and support, both bilateral and multilateral, aimed at promoting the economic and social development of Central America with a view to supplementing the efforts of the Central American peoples and Governments to consolidate peace and democracy,

Reaffirming also the close link and interaction between peace, democracy and sustainable development, as fundamental and permanent pillars of the political action of the Central American Governments aimed at realizing the legitimate aspirations of the Central American peoples with regard to economic development and social justice,

Recognizing that peace and democracy in Central America are the outcome of a long and arduous process in which obstacles have been encountered but have been overcome through the efforts of the peoples and Governments of the region, with the assistance and cooperation of the United Nations system and the international community,

Commending the efforts of the Central American Governments to continue fulfilling the commitments they have assumed under national, regional and international agreements with a view to strengthening democratic governance in the region by promoting and protecting human rights, implementing social programmes designed to eradicate poverty and eliminate unemployment, improving public safety, strengthening the judiciary, consolidating a modern and transparent public administration and combating corruption,

Taking note of the existence throughout Central America of freely elected Governments, indicating the achievement of political, economic and social changes that are creating a climate conducive to the promotion of economic growth and

advancement towards the further development of democratic, just and equitable societies,

Emphasizing, in this context, the importance of the progress made in connection with the Central American Integration System, the Alliance for the Sustainable Development of Central America, the establishment of the regional social policy contained in the Treaty on Central American Social Integration and the Framework Treaty on Democratic Security in Central America, and in other areas,

Noting with satisfaction the progress made in the region in the search for peaceful solutions to existing territorial and border disputes, in accordance with the principles of public international law and the provisions of the Charter of the United Nations,

Recognizing that the slow development of the economies of the area has been aggravated in the past two years by an unfavourable international economic climate, which has had an adverse effect on the efforts of the peoples and Governments of the region to promote sustainable economic development in an efficient manner,

Recognizing with satisfaction the progress made by the Central American region in the promotion and protection of human rights and fundamental freedoms, and the obligation of States to continue guaranteeing their effective enjoyment,

Recognizing the efforts of the region to enhance public safety by taking steps to combat the illicit trade in small arms and light weapons, by arms limitation and control, and by combating transnational organized crime and terrorism,

1. *Takes note* of the report of the Secretary-General on the situation in Central America;[1]

2. *Commends* the efforts of the peoples and Governments of the Central American countries to consolidate peace and democracy and promote sustainable development by implementing the commitments adopted at the meetings and summit meetings held in the region;

3. *Recognizes* the progress made towards the implementation of the peace agreements in the region, and in that context reiterates its special appreciation and congratulations to the people and Government of El Salvador for the successful fulfilment of the commitments set forth in those agreements, and expresses its profound thanks to the Secretary-General for accompanying that process and for the commendable way in which he has carried out his verification work, which is considered to be completed;

4. *Urges* the Government of Guatemala to give renewed impetus to the fulfilment of the commitments contained in the peace agreements, in the context of reprogramming for the period 2001-2004, and to the understanding reached during the fifth meeting of the Consultative Group for Guatemala, organized by the Inter-American Development Bank and held in Guatemala City on 13 and 14 May 2003;

5. *Urges* the Governments of the region to continue to guarantee free, fair and transparent elections with a view to consolidating democracy in Central America;

6. *Commends* the efforts and actions undertaken in the region to combat the scourge of corruption, urges all the States of the area to continue their actions with a

[1] A/58/270.

view to eradicating that evil, and in that context takes note of the congratulations expressed in the report of the Secretary-General[2] with regard to the work done by the Government of Nicaragua in this field;

7. *Views with satisfaction* the approval of important reforms relating to the conduct of public affairs and judicial matters in Central America, and in that context expresses special satisfaction concerning the progress made in Honduras towards completion of the political transformation process initiated in September 2001, and urges the Central American Governments to redouble their efforts with a view to strengthening those areas even further;

8. *Urges* Member States to continue combining efforts to adapt, strengthen and promote even further the Central American integration process, and appeals to the international community to continue supporting that process in order to contribute to the sustainable development of the region;

9. *Notes with satisfaction* the progress made by the Central American Governments in the peaceful settlement of their territorial and border disputes, and strongly urges them to continue working to resolve outstanding issues in full compliance with the norms of international law and the relevant international decisions and judgements;

10. *Emphasizes* the importance of foreign trade for the development of Central America, and in this context stresses the value of negotiating balanced free-trade agreements between the region and its counterparts outside the region;

11. *Reaffirms* the importance of the Puebla-Panama Plan as a means of promoting the economic and social development of the Mesoamerican region, and recognizes in that connection the progress made in implementing the Plan;

12. *Urges* the Governments of the Central American countries to continue strengthening the institutions responsible for the promotion and protection of human rights and fundamental freedoms, thus helping to ensure their full and effective enjoyment by all the peoples of the region;

13. *Appeals* to the Central American Governments to continue their efforts to combat the illicit trade in small arms and light weapons, promote arms limitation and control and combat transnational organized crime and terrorism by fulfilling the obligations assumed in the relevant international agreements;

14. *Appreciates* the efforts of the Central American countries to strengthen public safety in the area by organizing summit meetings on that issue, such as the Special Summit on Regional Security, held in Belize City on 4 September 2003, and the Special Summit on Security, held in Guatemala City on 17 July 2003;

15. *Welcomes* the efforts made to strengthen civilian police forces and promote the demilitarization of the region, in particular the actions taken in the context of the regional plan to combat organized crime, and emphasizes the need for the international community to continue lending its support to the relevant institutions in the field of public safety;

16. *Takes note with satisfaction* of the intention of the Government of Guatemala to establish a Commission for the Investigation of Illegal Groups and

[2] Ibid., section I.D.

Clandestine Security Apparatuses, and urges the Secretary-General to support that initiative with a view to its prompt implementation;

17. *Appreciates* the initiative of the Government of Nicaragua relating to the programme for arms limitation and control in Central America to achieve a reasonable balance of forces and to foster stability, mutual trust and transparency, which will be implemented in the region in accordance with the established schedule;

18. *Emphasizes* the need for the international community, especially the organs, funds and programmes of the United Nations system and the donor community, to continue their cooperation with and assistance to the Central American countries, including the provision of bilateral and multilateral financial resources, with the aim of supporting the promotion of sustainable development and the consolidation of peace, freedom and democracy in the region;

19. *Requests* the Secretary-General to continue to lend his fullest support to the initiatives and activities of the Central American Governments, in particular their efforts to consolidate democracy through the promotion of integration and the implementation of a comprehensive sustainable development programme and to submit to the General Assembly a complete consolidated report on the implementation of all the relevant resolutions on Central America at its sixtieth session, under the item entitled "The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development", and decides that, henceforth, the item will be considered every two years.

79th plenary meeting
23 December 2003

United Nations A/RES/58/240

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Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/58/L.19 and Add.1)*]

58/240. Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997, 54/33 of 24 November 1999, 57/141 of 12 December 2002 and other relevant resolutions adopted subsequent to the entry into force of the United Nations Convention on the Law of the Sea ("the Convention")[1] on 16 November 1994,

Emphasizing the universal and unified character of the Convention and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable development of the oceans and seas,

Reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[2]

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach,

Convinced of the need, building on arrangements established in accordance with the Convention, to improve coordination at the national level and cooperation and coordination at both intergovernmental and inter-agency levels, in order to address all aspects of oceans and seas in an integrated manner,

Recognizing the important role that the competent international organizations have in relation to ocean affairs, in implementing the Convention and in promoting the sustainable development of the oceans and seas,

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[1] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

[2] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

Recalling the essential role of international cooperation and coordination in promoting the integrated management and sustainable development of the oceans and seas, and recalling also that the role of international cooperation and coordination on a bilateral basis and, where applicable, within a subregional, regional, interregional or global framework is to support and supplement the national efforts of all States, including coastal States, in promoting the implementation and observance of the Convention and the integrated management and sustainable development of coastal and marine areas,

Underlining once again the essential need for capacity-building to ensure that all States, especially developing countries, in particular least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas,

Underlining the essential need for capacity-building to ensure that all States, especially developing countries, in particular least developed countries and small island developing States, are able to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, including through cooperation programmes with Governments, to the development of national and local capacity in marine science and the sustainable management of oceans and their resources,

Recalling the recommendations of the World Summit on Sustainable Development, including to establish by 2004 a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments,[3] and the decision of the General Assembly in its resolution 57/141 to establish such a process by 2004,

Reiterating its deep concern at the situation of many of the world's fisheries, caused principally by overcapacity, overfishing and illegal, unregulated and unreported fishing, as well as, in many areas, pollution,

Reiterating its concern at the adverse impacts on the marine environment, in particular on vulnerable marine ecosystems, including coral, of human activities, such as overutilization of living marine resources, the use of destructive fishing practices, physical impacts by ships, the introduction of alien invasive species and marine pollution from all sources, including from land-based sources and vessels, in particular through the illegal release of oil and other harmful substances and from dumping, including the dumping of hazardous waste such as radioactive materials, nuclear waste and dangerous chemicals,

Recognizing that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including vulnerable marine ecosystems and the economics of the global shipping industry, and recognizing in this regard that the move towards electronic charting not only provides significantly increased benefits for safe navigation and management of

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[3] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap.I, resolution 2, annex, para. 36 (*b*).

ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection,

Welcoming the convening by the International Atomic Energy Agency of the International Conference on the Safety of Transport of Radioactive Material, as well as the outcomes of the Conference, which provided an opportunity for States to address issues relating to the transport of radioactive materials, including by sea,

Taking note of the report of the Secretary-General,[4] and emphasizing in this regard the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review,

Taking note also of the report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea ("the Consultative Process"), established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs, at its fourth meeting,[5]

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28, 52/26 and 54/33, and in this context the expected increase in responsibilities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat in view of the anticipated receipt of submissions from States to the Commission on the Limits of the Continental Shelf ("the Commission"), in addition to the expected growing involvement of the Division with new developments such as the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, and with requests for technical assistance from States, and the role of the Division in inter-agency coordination and cooperation,

I

Implementation of the Convention and related agreements and instruments

1. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention[1] and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Agreement");[1]

2. *Reaffirms* the unified character of the Convention;

3. *Calls upon* States that have not done so to become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the

[4] A/58/65 and Add.1.

[5] See A/58/95.

Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;[6]

4. *Once again calls upon* States to harmonize, as a matter of priority, their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention are in conformity therewith and, otherwise, to withdraw any of their declarations or statements that are not in conformity;

5. *Encourages* States parties to the Convention to deposit with the Secretary-General charts and lists of geographical coordinates, as provided for in the Convention;

6. *Emphasizes* the essential need to improve the implementation of international agreements referred to in article 311 of the Convention and, where appropriate, to foster the conditions for the application of instruments of a voluntary nature, and recalls the important role of international organizations in achieving these goals;

II

Meeting of States Parties

7. *Takes note* of the report of the thirteenth Meeting of States Parties to the Convention;[7]

8. *Requests* the Secretary-General to convene the fourteenth Meeting of States Parties to the Convention in New York from 14 to 18 June 2004 and to provide the services required;

III

Settlement of disputes

9. *Notes with satisfaction* the continued contribution of the International Tribunal for the Law of the Sea ("the Tribunal") to the peaceful settlement of disputes in accordance with Part XV of the Convention, underlines the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Agreement, once again encourages States parties to the Convention that have not yet done so to consider making a written declaration choosing from the means set out in article 287 for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, and invites States parties to note the provisions of annexes V, VI, VII and VIII to the Convention concerning, respectively, conciliation, the Tribunal, arbitration and special arbitration;

10. *Equally pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

11. *Recalls* the obligation under article 296 of the Convention requiring all parties to a dispute before a court or a tribunal referred to in article 287 of the

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[6] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. I; see also A/CONF.164/37.

[7] SPLOS/103 and Corr.1.

Convention to comply promptly with any decisions rendered by such court or tribunal;

12. *Encourages* States parties to the Convention that have not yet done so to nominate conciliators and arbitrators in accordance with annexes V and VII to the Convention, and requests the Secretary-General to continue to update and circulate lists of these conciliators and arbitrators on a regular basis;

IV

The Area

13. *Notes* the progress of the discussion of issues relating to the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area;

14. *Reiterates* the importance of the ongoing elaboration by the International Seabed Authority ("the Authority"), pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection of the marine environment, the protection and conservation of the natural resources of the Area and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the Area;

V

Effective functioning of the Authority and the Tribunal

15. *Appeals* to all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time, and appeals also to all former provisional members of the Authority to pay any outstanding contributions;

16. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[8] and to the Protocol on the Privileges and Immunities of the Authority;[9]

VI

The continental shelf and the work of the Commission

17. *Encourages* States parties that are in a position to do so to make every effort to make submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles to the Commission within the time period established by the Convention, taking into account the decision of the eleventh Meeting of States Parties to the Convention;[10]

18. *Approves* the convening by the Secretary-General of the thirteenth session of the Commission in New York from 26 to 30 April 2004, followed by two weeks of meetings of a subcommission in the event that a submission is made to the Commission, and of the fourteenth session of the Commission from 30 August to 3 September 2004, also followed by two weeks of meetings of a subcommission in the event that a submission is made;

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[8] SPLOS/25.

[9] ISBA/4/A/8, annex.

[10] SPLOS/72.

19. *Encourages* States and relevant international organizations and institutions to consider developing and making available training courses to assist developing States in the preparation of such submissions, based on the outline for a five-day training course[11] prepared by the Commission in order to facilitate the preparation of submissions in accordance with its Scientific and Technical Guidelines;[12]

VII

Capacity-building

20. *Calls upon* bilateral and multilateral donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the rights of landlocked developing States;

21. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training the necessary skilled personnel, providing the necessary equipment, facilities and vessels, and transferring environmentally sound technologies;

22. *Encourages* States to assist developing States, and especially least developed States and small island developing States, as well as coastal African States, on a bilateral and, where appropriate, regional level, in the preparation of submissions to the Commission, including the assessment of the nature of the continental shelf of a coastal State made in the form of a desktop study, and the mapping of the outer limits of its continental shelf;

VIII

Safety of navigation and flag State implementation

23. *Encourages* States to ratify or accede to international agreements addressing the safety of navigation and to adopt the necessary measures consistent with the Convention, aimed at implementing and enforcing the rules contained in those agreements;

24. *Urges* States and regional economic integration organizations to work within the framework of the International Maritime Organization and in accordance with the Convention and international rules and regulations regarding measures related to the phase-out of single-hull tankers, and welcomes the organization's giving priority to the consideration of any proposals related thereto;

25. *Welcomes* the work of the International Maritime Organization in developing guidelines on places of refuge for ships in need of assistance, and

[11] CLCS/24 and Corr.1.

[12] CLCS/11 and Corr.1 and Add.1 and Corr.1.

encourages States to draw up plans and to establish procedures to implement those guidelines for ships in waters under their jurisdiction;

26. *Also welcomes* the adoption by the General Conference of the International Atomic Energy Agency at its forty-seventh session of resolution GC(47)/RES/7, concerning measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management, including those aspects relating to maritime transport safety,[13] in which it requested the Agency to develop an action plan, in consultation with its member States and for approval by the Board of the Agency, if possible in March 2004, based on the results of the International Conference on the Safety of Transport of Radioactive Material and within the competence of the Agency;

27. *Urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law and, until such action is undertaken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry;

28. *Invites* the International Maritime Organization and other relevant competent international organizations to study, examine and clarify the role of the "genuine link" in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels;

29. *Requests* the Secretary-General, in cooperation and consultation with relevant agencies, organizations and programmes of the United Nations system, to prepare and disseminate to States a comprehensive elaboration of the duties and obligations of flag States, including the potential consequences for non-compliance prescribed in the relevant international instruments;

30. *Encourages* the acceleration of the work of the International Maritime Organization in developing a voluntary model audit scheme, and urges the organization to strengthen its draft implementation code;

31. *Welcomes* the work of the Food and Agriculture Organization of the United Nations in promoting compliance by States and their fishing vessels with conservation and management measures, and requests the International Maritime Organization and the Food and Agriculture Organization to enhance their cooperation and coordination in their efforts with regard to flag State duties relating thereto, including through the Inter-Agency Consultative Group on Flag State Implementation during the period of the Group's existence;

32. *Also welcomes* the work of the International Labour Organization to consolidate and modernize international maritime labour standards, and calls upon Member States to take an active interest in the development of these new standards for seafarers and fishers;

33. *Recognizes* the important role of port State controls in promoting the effective enforcement by flag States of, and compliance by shipowners and charterers with, flag States' and internationally agreed safety, labour and pollution standards, as well as maritime security regulations and conservation and

[13] See International Atomic Energy Agency, *Resolutions and Other Decisions of the General Conference, Forty-seventh Regular Session, 15–19 September 2003* (GC(47)/RES/DEC(2003)).

management measures, and further encourages Member States to improve the exchange of appropriate information between port States control authorities;

34. *Invites* the International Maritime Organization to strengthen its functions with regard to port State control in relation to safety and pollution standards as well as maritime security regulations and, in collaboration with the International Labour Organization, labour standards so as to promote the implementation of globally agreed minimum standards by all States, and invites the Food and Agriculture Organization of the United Nations to continue its work in promoting port State measures in relation to fishing vessels in order to combat illegal, unreported and unregulated fishing;

35. *Calls upon* flag and port States to take all measures consistent with international law necessary to prevent the operation of sub-standard vessels and illegal, unreported and unregulated fishing activities;

36. *Urges* all States, in cooperation with the International Maritime Organization, to combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration;

37. *Calls upon* all States and relevant international bodies to cooperate in the prevention and combating of piracy and armed robbery at sea, and urges States to give urgent attention to promoting, concluding and implementing cooperation agreements, in particular at the regional level and in high-risk areas;

38. *Urges* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol,[14] invites States to participate in the review of those instruments by the Legal Committee of the International Maritime Organization to strengthen the means of combating such unlawful acts, including terrorist acts, and further urges States to take appropriate measures to ensure the effective implementation of those instruments, in particular through the adoption of legislation, where appropriate, aimed at ensuring that there is a proper framework for responses to incidents of armed robbery and terrorist acts at sea;

39. *Calls upon* States to work together cooperatively and with the International Maritime Organization to strengthen measures to prevent the embarkation of ships involved in the smuggling of migrants;

40. *Once again urges* States that have not yet done so to become parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[15] and to take appropriate measures to ensure its effective implementation;

41. *Welcomes* the work of the International Maritime Organization in developing amendments to the International Convention for the Safety of Life at Sea

[14] International Maritime Organization publication, Sales No. 462.88.12E.

[15] Resolution 55/25, annex III.

and to the International Convention on Maritime Search and Rescue on the delivery of persons rescued at sea to a place of safety;

IX

Capacity-building for the production of nautical charts

42. *Welcomes* the work of the International Hydrographic Organization and its fourteen regional hydrographic commissions and encourages increased membership of the organization, noting the capacity of the organization to provide technical assistance, facilitate training and identify potential funding sources for the development or improvement of hydrographic services, and calls upon States and agencies to support the trust fund of the organization and examine the possibility of partnerships with the private sector;

43. *Invites* the International Hydrographic Organization and the International Maritime Organization to continue their coordinated efforts, to jointly adopt measures with a view to encouraging greater international cooperation and coordination for the transition to electronic nautical charts and to increase the coverage of hydrographic information on a global basis, especially in the areas of international navigation and ports and where there are vulnerable or protected marine areas;

44. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including the mobilization of resources and building of capacity with support from international financial institutions and the donor community, recognizing that economies of scale can apply in some instances at the regional level through shared facilities, technical capabilities and information for the provision of hydrographic services and the preparation of and access to nautical charts;

45. *Welcomes* the adoption of criteria and guidelines on the transfer of marine technology by the Intergovernmental Oceanographic Commission;[16]

X

Marine environment, marine resources and the protection of vulnerable marine ecosystems

46. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures, directly or through competent international organizations, for the protection and preservation of the marine environment;

47. *Calls upon* States to continue to prioritize action on marine pollution from land-based sources as part of their national sustainable development strategies and programmes, in an integrated and inclusive manner, as a means of implementing

[16] See IOC-XXII/2 Annex 12 rev.

the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities;[17]

48. *Welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of the Millennium Development Goals, taking into account the time-bound targets in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[18] in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;[19]

49. *Calls upon* States to advance the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the Montreal Declaration on the Protection of the Marine Environment from Land-based Activities,[20] to enhance maritime safety and the protection of the marine environment from pollution and other physical impacts, and to improve the scientific understanding and assessment of marine and coastal ecosystems as a fundamental basis for sound decision-making through the actions identified in the Johannesburg Plan of Implementation;

50. *Welcomes* the work of the Convention on Biological Diversity,[21] the Food and Agriculture Organization of the United Nations and other relevant global and regional organizations in the development of strategies and programmes for the implementation of an integrated ecosystem-based approach to management, and urges those organizations to cooperate in the development of practical guidance in this regard;

51. *Reiterates its call* for urgent consideration of ways to integrate and improve, on a scientific basis, the management of risks to the marine biodiversity of seamounts, cold water coral reefs and certain other underwater features;

52. *Invites* the relevant global and regional bodies, in accordance with their mandates, to investigate urgently how to better address, on a scientific basis, including the application of precaution, the threats and risks to vulnerable and threatened marine ecosystems and biodiversity in areas beyond national jurisdiction; how existing treaties and other relevant instruments can be used in this process consistent with international law, in particular with the Convention, and with the principles of an integrated ecosystem-based approach to management, including the identification of those marine ecosystem types that warrant priority attention; and to explore a range of potential approaches and tools for their protection and management; and requests the Secretary-General to cooperate and liaise with those bodies and to submit an addendum to his annual report to the General Assembly at its fifty-ninth session, describing the threats and risks to such marine ecosystems and biodiversity in areas beyond national jurisdiction as well as details on any

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[17] A/51/116, annex II.

[18] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[19] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18–22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[20] E/CN.17/2002/PC.2/15, annex, sect. I.

[21] United Nations, *Treaty Series*, vol. 1760, No. 30619.

conservation and management measures in place at the global, regional, subregional or national levels addressing these issues;

53. *Notes* the scientific and technical work under the Convention on Biological Diversity relating to marine and coastal biodiversity;

54. *Reaffirms* the efforts of States to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the establishment of marine protected areas, consistent with international law and based on the best scientific information available, and the development of representative networks of such marine protected areas by 2012;

55. *Encourages* States, in accordance with the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on marine biodiversity;

56. *Urges* States and relevant global and regional bodies to enhance their cooperation in the protection and preservation of coral reefs, mangroves and seagrass beds, including through the exchange of information;

57. *Reiterates its support* for the International Coral Reef Initiative and welcomes the outcomes of the Second International Tropical Marine Ecosystems Management Symposium, held in Manila in 2003, supports the work under the Jakarta Mandate on the Conservation and Sustainable Use of Marine and Coastal Biological Diversity,[22] and notes that the International Coral Reef Initiative and other relevant bodies are considering incorporating cold water coral ecosystems into their programmes of activities;

58. *Encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving foreign vessels on coral reefs, and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

59. *Emphasizes* the need to mainstream coral reef management approaches into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

60. *Welcomes* the convening by the International Maritime Organization of a diplomatic conference to adopt an international convention for the control and management of ships' ballast waters and sediments;

61. *Notes with interest* the ongoing discussions in the Marine Environment Protection Committee of the International Maritime Organization on the designation of the Western European Atlantic coast and the English Channel as a particularly sensitive sea area, and encourages the organization to consider the eventual adoption of the proposed associated protective measure as long as it is consistent with the Convention;

[22] See A/51/312, annex II, decision II/10.

XI

Regional cooperation

62. *Emphasizes once again* the importance of regional organizations and arrangements for cooperation and coordination in integrated oceans management, and, where there are separate regional structures for different aspects of oceans management, such as environmental protection, fisheries management, navigation, scientific research and maritime delimitation, calls for those different structures, where appropriate, to work together for optimal cooperation and coordination;

63. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, and in this context notes the results of the Second Plenary Meeting of the Conference on Maritime Delimitation in the Caribbean, held in Mexico City on 13 and 14 October 2003, as well as of the functioning of its Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again of the Fund for Peace: Peaceful Settlement of Territorial Disputes established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these Funds;

XII

Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

64. *Welcomes* the report of the Secretary-General containing proposals on modalities for the establishment of a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects,[23] and requests the Secretary-General, in close collaboration with Member States, relevant organizations and agencies and programmes of the United Nations system, other competent intergovernmental organizations and relevant non-governmental organizations, to take the following steps to establish the regular process by 2004:

(*a*) Convene a group of experts of no more than twenty-four participants, comprising representatives of States, including all regional groups, and representatives from intergovernmental organizations and non-governmental organizations, including scientists and policy makers, to produce, including by possibly hiring a consultant, a draft document with details on the scope, general framework and outline of the regular process, peer review, secretariat, capacity-building and funding, and to consider, review and refine the draft document;

(*b*) Transmit the draft document to States and relevant intergovernmental organizations, non-governmental organizations, scientific associations, funding mechanisms and other parties for written comments and for indication of specific issues to be addressed in the first assessment;

(*c*) Request the group of experts to revise the draft document in the light of comments made;

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[23] A/58/423.

(*d*) Convene an international workshop with representatives from all interested parties, in conjunction with the fifth meeting of the Consultative Process, to further consider and review the draft document;

(*e*) Convene an intergovernmental meeting to finalize and adopt the document and to formally establish the regular process;

65. *Accepts* the offer of the Government of Iceland to host this intergovernmental meeting in Reykjavik in 2004, in accordance with paragraph 17 of resolution 47/202 A of 22 December 1992;

66. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the development of the regular process;

XIII

Open-ended informal consultative process on oceans and the law of the sea

67. *Requests* the Secretary-General to convene the fifth meeting of the Consultative Process in New York from 7 to 11 June 2004, and to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division for Ocean Affairs and the Law of the Sea, in cooperation with other relevant parts of the Secretariat, including the Division for Sustainable Development of the Department of Economic and Social Affairs, as appropriate;

68. *Recommends* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea at its meeting, the Consultative Process should organize its discussions around the following areas:

> New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction;

as well as issues discussed at previous meetings;

XIV

Inter-agency coordination and cooperation

69. *Reiterates its request* to the Secretary-General to establish an effective, transparent and regular inter-agency coordinating mechanism for issues relating to oceans and seas within the United Nations system, taking into account paragraph 49 of Part A of the report of the Consultative Process at its third meeting;[24]

70. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies and funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, drawing their attention to paragraphs of particular relevance to them, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

71. *Invites* the competent international organizations, as well as funding institutions, to take specific account of the present resolution in their programmes

[24] See A/57/80.

and activities and to contribute to the preparation of the comprehensive report of the Secretary-General on oceans and the law of the sea;

XV

Activities of the Division for Ocean Affairs and the Law of the Sea

72. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea,[4] prepared by the Division for Ocean Affairs and the Law of the Sea, as well as for the other activities of the Division, in accordance with the provisions of the Convention and the mandate set forth in resolutions 49/28, 52/26, 54/33, and 56/12 of 28 November 2001;

73. *Requests* the Secretary-General to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure that appropriate resources are made available to the Division for Ocean Affairs and the Law of the Sea for the performance of such responsibilities under the approved budget for the Organization;

74. *Invites* Member States and others in a position to do so to support the training activities under the TRAIN-SEA-COAST Programme of the Division for Ocean Affairs and the Law of the Sea;

XVI

Trust funds and fellowships

75. *Recognizes* the importance of assisting developing countries, in particular the least developed countries and small island developing States, in implementing the Convention, and urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds, as referred to in resolution 57/141, established for this purpose;

76. *Also recognizes* the importance of the Trust Fund for preparation of submissions to the Commission in assisting developing States, in particular the least developed countries and small island developing States, in preparing their submissions where their continental shelves extend beyond 200 nautical miles and, in order to facilitate the management of the Trust Fund, amends, as set out in the annex to the present resolution, sections 1, 4 and 6 of the terms of reference, guidelines and rules of the Trust Fund, as contained in annex II to resolution 55/7 of 30 October 2000, in accordance with paragraph 31 of the annex;

77. *Urges* Member States and others in a position to do so to contribute to the further development of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea established by the General Assembly in its resolution 35/116 of 10 December 1980;

XVII

Fifty-ninth session of the General Assembly

78. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea,

and to provide the report in accordance with the modalities set out in resolutions 49/28, 52/26 and 54/33, and also requests the Secretary-General to make the report available, in its current comprehensive format, at least six weeks in advance of the meeting of the Consultative Process;

79. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Oceans and the law of the sea".

79th plenary meeting
23 December 2003

Annex

Amendments to the terms of reference, guidelines and rules of the Trust Fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea

1. Reasons for establishing the Trust Fund

In paragraph 2, amend the last sentence to read:

"The earliest deadline for submission for States is 13 May 2009."

4. Application for financial assistance

In paragraph 17, amend sub-item (*a*) (iv) to read:

"(iv) The curriculum vitae of the trainees, including their date of birth;"

6. Granting of assistance

Amend paragraph 23 to read:

"23. The Secretary-General will provide financial assistance from the Fund for requests approved on the basis of the evaluation and recommendation of the Division on the advice of the Panel of Experts. Payments will be processed by the Organization in accordance with standard practices."